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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,900	03/01/2000	Yukihiko Aoki	450100-02386	2789

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EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2615	6

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/516,900	AOKI, YUKIHIKO	
	Examiner	Art Unit	
	Thai Tran	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 10, 12-21, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Saeijs et al (US 6,556,590 B1).

Regarding claim 1, Saeijs et al discloses a method for transmitting data in which the data is transmitted/received on a network in which a plurality of electronic equipment are interconnected over a serial bus interface (Fig. 18 and col. 24, line 59 to col. 25, line 7, P1394 is serial bus interface), comprising:

a detection step of detecting the timing of inserting discontinuity information data into contents of the data to be recorded and/or reproduced for a recording medium, said discontinuity information data indicating the discontinuity of said contents (col. 23, lines 39-53); and

a step of inserting said discontinuity information data into said data on detection of the timing of inserting the discontinuity information data in said detection step (col. 23, lines 39-53).

Regarding claim 2, Saeijs et al discloses the claimed wherein said detection step detects a transition point on the time axis of the contents of the data recorded on said recording medium as said timing (missing packets disclosed in col. 23, lines 39-53).

Regarding claim 3, Saeijs et al further discloses the claimed wherein said detection step detects the outputting start tie of the data recorded on said recording medium as said timing (starting playback disclosed in col. 23, lines 39-53).

Regarding claim 4, Saeijs et al discloses the claimed wherein said detection step detects the outputting end time of the data recorded on said recording medium as said timing (ending of the playback disclosed in col. 23, lines 39-53).

Regarding claim 5, Saeijs et al discloses the claimed wherein said detection step detects the time of seizing a channel on said network being used by another electronic equipment on said network and outputting data recorded on said recording medium as said timing (playback disclosed in col. 23, lines 39-53).

Regarding claim 6, Saeijs et al discloses the claimed wherein said detection step detects the time of transition of data recorded on said recording medium to variable speed playback as said timing (playback disclosed in col. 23, lines 39-53 and trick play disclosed from col. 19, line 66 to col. 20, line 16).

Regarding claim 7, Saeijs et al discloses the claimed wherein said detection step detects the time of contents switching of data recorded on said recording medium as said timing (missing packets disclosed in col. 23, lines 39-53).

Regarding claim 10, Saeijs et al discloses the claimed wherein said recording medium is a tape-shaped recording medium (digital video cassette (DVC), col. 1, lines 56-62 and col. 7, lines 38-46).

Regarding claim 12, Saeijs et al discloses a method for transmitting data in which the data is transmitted/received on a network in which a plurality of electronic equipment are interconnected over a serial bus interface (Fig. 18 and col. 24, line 59 to col. 25, line 7, P1394 is serial bus interface), comprising:

a detection step of detecting the timing of inserting discontinuity information data into contents received from outside through a communication medium different from said serial bus interface, said discontinuity information data indicating the discontinuity of said contents (col. 23, lines 39-53); and

a step of inserting said discontinuity information data into said data on detection of the timing of inserting the discontinuity information data in said detection step (col. 23, lines 39-53).

Regarding claim 13, Saeijs et al discloses the claimed wherein said detection step detects a transition point of contents of data received over said serial bus interface and into which has been inserted said discontinuity information data as said timing (missing packets disclosed in col. 23, lines 39-53).

Regarding claim 14, Saeijs et al discloses the claimed wherein said detection step detects the time of switching on station selection from a program received from outside over a communication medium different from said serial bus interface to a different program (selecting program A disclosed in col. 23, lines 13-22).

Apparatus claims 15-21 and 24 are rejected for the same reasons as discussed in corresponding method claims 1-7 and 10 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in view of Smith et al (US 6,697,099 B2).

Regarding claim 26, Tsuria discloses an electronic equipment in which data is transmitted/received on a network (Fig. 1), comprising:

tuning means (tuner unit 19 of Fig. 1, col. 2, lines 61-67) for tuning data received through said interface and/or said tuning means; and

generating means (advertisement data disclosed in col. 3, lines 54-65) for generating discontinuity information data of data received through said interface and/or said tuning means;

said generating means inserting the generated discontinuity information data into contents of data received through said tuning means (displaying advertisement data

during zapping periods disclosed in col. 3, lines 54-65). However, Tsuria does not specifically disclose that a plurality of electronic equipment are interconnected over a serial bus interface.

Smith et al teaches that a plurality of electronic equipment couple to a common input/output (I/O) bus 108 which can be High Performance serial Bus IEEE Standard 1394 (col. 2, lines 18-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the High Performance serial Bus IEEE Standard 1394 as taught by Smith et al into Tsuria's system in order to facilitate the transmitting and receiving of video and audio data.

Regarding claim 27, Tsuria discloses the claimed detection means (detecting the zapping periods disclosed in col. 3, lines 54-65 and col. 1, lines 16-24) for detecting the point of transition of contents of data having inserted therein said discontinuity information data received over said interface.

Regarding claim 28, Tsuria discloses the claimed wherein said generating means inserts said discontinuity information data when switching from a program being received from outside through said tuning means to a different program on station selection (zapping periods disclosed in col. 3, lines 54-65 and col. 1, lines 16-24).

6. Claims 1, 8-9, 11, 15, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in view of Smith et al (US 6,697,099 B2) and Maeda (US 6,529,246 B1).

Regarding claim 1, Tsuria discloses a method for transmitting data in which the data is transmitted/received on a network (Fig. 1), comprising:

a detection step for detecting the timing of inserting discontinuity information data into contents of the data, said discontinuity information data indicating the discontinuity of said contents (detecting the zapping periods disclosed in col. 3, lines 54-65 and col. 1, lines 16-24); and

a step of inserting said discontinuity information data into said data on detection of the timing of inserting the discontinuity information data in said detection step (displaying advertisement data during zapping periods disclosed in col. 3, lines 54-65). However, Tsuria does not specifically disclose that a plurality of electronic equipment are interconnected over a serial bus interface and that the detection step is performed on the data to be recorded and/or reproduced for a recording medium.

Smith et al teaches that a plurality of electronic equipment couple to a common input/output (I/O) bus 108 which can be High Performance serial Bus IEEE Standard 1394 (col. 2, lines 18-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the High Performance serial Bus IEEE Standard 1394 as taught by Smith et al into Tsuria's system in order to facilitate the transmitting and receiving of video and audio data.

The combination of Tsuria and Smith et al as discussed above does not specifically discloses the claimed that the detection step is performed on the data to be recorded and/or reproduced for a recording medium.

Maeda teaches that the inserting a channel number during zapping periods can be applied not only to a video cassette recorder but also to a television set or the like (col. 6, lines 43-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the implement the apparatus of Tsuria into video cassette recorder as taught by Maeda because Maeda teaches that displaying channel number during zapping periods can be applied not only to a video cassette recorder but also to a television set or the like.

Regarding claim 8, Maeda discloses the claimed wherein said detection step detects the time of start of recording of data on said recording medium as said timing (col. 4, lines 18-38).

Regarding claim 9, Maeda discloses the claimed wherein said detection step detects the time of end of recording of data on said recording medium as said timing (col. 4, lines 18-38).

Regarding claim 11, the combination of Tsuria, Smith et al, and Maeda as discussed in claim 1 above discloses all the claimed invention except for providing a disc-shaped recording medium.

Smith et al further teaches a disc-shaped recording medium (DVD disclosed in col. 2, lines 18-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the replace DVD as taught by Smith et al for video cassette recorder of Maeda in order to increase the quality of the video signal to be

recorded/reproduced and decrease the time in searching for the desired recorded video signal because DVD has higher quality than VCR and random access capability.

Apparatus claims 15, 22-23, and 25 are rejected for the same reasons as discussed in corresponding method claims 1, 8-9, and 11 above.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited reference relates to an apparatus for inserting data during zapping periods.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ